

### **REMARKS**

Claims 1-75 and 87-95 are pending, with all of the independent claims, namely claims 1, 11, 18, 28, 34, 42, 49, 51, 56, 61, 65 and 71, being amended hereby consistent with the agreement reached during a telephonic interview between Examiner Stigell and undersigned counsel on October 2, 2007. Details of the interview are set out as necessary below, but Applicants do want to take this opportunity to gratefully acknowledge the courtesy extended by Examiner Stigell during that interview and to thank him for his helpful suggestions aimed at bringing prosecution to a favorable conclusion.

#### **The Rejections Based on Either of Feller U.S. Patent No. 4,362,156 and Jepson et al U.S. Patent No. 6,213,996**

Claims 1-10, 14-27, 31-48, 65-75, and 87-95 were rejected for anticipation on the basis of either Feller et al U.S. Patent No. 4,362,156 ("Feller") or Jepson et al U.S. Patent No. 6,213,996 ("Jepson").<sup>1</sup> During the telephonic interview with Examiner Stigell, the common text of "flow therearound [around the member] and into the fluid tube" in these claims was discussed and the purpose of that language confirmed. Examiner also explained the view of the Office as to that language. It was agreed that amending the language to specify that there was "flow therearound [around the member] so as to flow into the fluid tube" would resolve the situation and would overcome the rejections of these claims based on either of Feller or Jepson. That

---

<sup>1</sup> The Official Action indicated that independent claim 49, and its dependent claims 50 and 53-55 were also rejected over Feller and Jepson. During the telephonic interview, Examiner advised that those rejections were in error and are deemed to be withdrawn.

amendment has been made hereby in the independent claims of this set of claims. Hence, withdrawal of the rejections based on Feller or Jepson is respectfully solicited.

**The Rejections Based on Rantanen-Lee U.S. Patent No. 5,035,399**

All of the claims were rejected on the basis of Rantanen-Lee U.S. Patent No. 5,035,399 ("Rantanen-Lee"). During the telephonic interview with Examiner Stigell, the common text of "flow therearound [around the member] and into the fluid tube" in claims 1-48, 65-75, and 87-95 was discussed and it was agreed that amending the language to specify that there was "flow therearound [around the member] so as to flow into the fluid tube" would overcome the rejections of these claims based on Rantanen-Lee. As explained above, the independent claims of claims 1-10, 14-27, 31-48, 65-75, and 87-95 have already been so-amended to distinguish over Feller and Jepson. The independent claims of claims 11-13 and 28-30 are also being amended in that same way. Hence, withdrawal of the rejections of claims 1-48, 65-75, and 87-95 based on Rantanen-Lee is respectfully solicited. That leaves claims 49-64 to which we now turn.

With respect to independent claims 49 (and its dependent claims 50 and 53-55) and 51 (and its dependent claim 52), it was agreed during the telephonic interview that reciting that the "fluid tube" is rigid would overcome Rantanen-Lee. Similarly, with respect to independent claims 56, (and its dependent claims 57-60) and 61 (and its dependent claims 62-64), it was agreed that reciting that the "member" is rigid would overcome Rantanen-Lee. Those amendments are being made hereby. Hence, withdrawal of the rejections of claims 49-64 over Rantanen-Lee is also respectfully solicited.

In view of the foregoing, it is respectfully submitted that all pending claims are patentable over Rantanen-Lee.

**The Rejections Based on Bernes et al U.S. Patent No. 5,270,003**

All of the claims were also rejected on the basis of Bernes et al U.S. Patent No. 5,270,003 ("Bernes"). During the telephonic interview with Examiner Stigell, it was similarly agreed that with respect to claims 1-48, 65-75, and 87-95, amending the common text to specify that there was "flow therearound [around the member] so as to flow into the fluid tube" would also overcome the rejections of these claims based on Bernes. The independent claims thereof are being so-amended as explained above. Hence, withdrawal of the rejections of claims 1-48, 65-75, and 87-95 based on Bernes is respectfully solicited. That leaves claims 49-64 to which we now turn.

During the telephonic interview, Examiner Stigell advised that, on further consideration, the rejections of claims 49 (and its dependent claims 50 and 53-55) and 51 (and its dependent claim 52) were in error and those rejections would be withdrawn. With respect to independent claims 56 (and its dependent claims 57-60) and 61 (and its dependent claims 62-64), it was agreed that reciting that the "member" is rigid would overcome Bernes, just as it would Rantanen-Lee. Those amendments are being made hereby as explained above. Hence, withdrawal of the rejections of claims 56 and 61 and their dependent claims over Bernes is also respectfully solicited.

In view of the foregoing, it is respectfully submitted that all pending claims are patentable over Bernes.

**The Rejections Based on Elson et al U.S. Patent No. 4,643,389**

Finally, all of the claims were also rejected on the basis of Elson et al U.S. Patent No. 4,643,389 ("Elson"). During the telephonic interview with Examiner Stigell, it was again agreed that amending the common text of claims 1-48, 65-75, and 87-95 to specify that there was "flow therearound [around the member] so as to flow into the fluid tube" would resolve the situation and would overcome the rejections of these claims based on Elson. The independent claims thereof have already been so-amended as explained above. Hence, withdrawal of the rejections of claims 1-48, 65-75, and 87-95 based on Elson is respectfully solicited. That leaves claims 49-64 to which we now turn.

During the telephonic interview, Examiner Stigell advised that, on further consideration, the rejections of claims 49 and its dependent claims 50 and 53-55 were in error and those rejections would be withdrawn. With respect to independent claim 51 and its dependent claim 52, Examiner agreed that the above-discussed amendment to recite that the fluid tube is rigid would resolve same. And with respect to claims 56 (and its dependent claims 57-60) and 61 (and its dependent claims 62-64), it was also agreed that the above-discussed amendment to recite that member is rigid would overcome Elson, too. Hence, withdrawal of the rejections of claims 51, 56, and 61 and their dependent claims over Elson is also respectfully solicited.

In view of the foregoing, it is respectfully submitted that all pending claims are patentable over Elson.

**Conclusion**

Applicants submit that they have addressed all issues raised in the Official Action. Without waiving the right to present other or additional arguments in support of patentability of any or all of the claims, Applicants submit that consistent with the results of the telephonic interview with Examiner Stigell on October 2, 2007, the application is now in condition for allowance. In view of the foregoing, Applicants respectfully request a formal Notice of Allowance at the earliest opportunity. If any issues remain, Examiner is respectfully asked to telephone undersigned attorney in an effort to promptly resolve same.

The fee for the two month extension is being submitted concurrently herewith. No other fee is believed due herewith. If any fee is due and not otherwise paid, please take this as authorization to charge same to our Deposit Account 23-3000.

Respectfully submitted,  
WOOD, HERRON & EVANS, L.L.P.

By: /kurt l grossman/  
Kurt L. Grossman, Reg. No. 29,799

2700 Carew Tower  
441 Vine Street  
Cincinnati, OH 45202  
(513) 241-2324 (voice)  
(513) 241-6234 (facsimile)